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IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

Case No. LS9903251REB

STEPHEN J. DRUNASKY,
RESPONDENT.

FINAL DECISION AND ORDER

The parties to this action for the purposes of § 227.53, Stats., are:

*Stephen J. Drunasky
908 S. Spring Street
Beaver Dam, WI 53916*

*Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. That Stephen J. Drunasky, Respondent, date of birth August 29, 1953, was licensed as a real estate broker in the State of Wisconsin pursuant to license number 25171, which was first granted May 1, 1981.
2. That Respondent's last address reported to the Department of Regulation and Licensing is 908 South Spring Street, Beaver Dam, WI 53916.
3. Respondent has not renewed his real estate broker license since it expired on January 1, 1997. Respondent made the decision not to renew his license for personal reasons unrelated to this matter.
4. Pursuant to § 440.08(3), Stats., Respondent could renew his license at this time, by providing evidence of having met the continuing education requirements and by payment of a late renewal fee.

5. On October 19, 1993, Respondent was charged in State of Wisconsin, Dane County Circuit Court case number 93 CF 1775, with violating § 940.225(2)(d) Wis. Stats., second degree sexual assault, a Class C felony for having sexual intercourse with a person who was unconscious and who the Respondent knew to be unconscious.

6. Pursuant to a plea agreement in that case, Respondent pled no contest to one count of violating § 940.225(2)(d) Wis. Stats and on February 21, 1994, Respondent was convicted of the felony criminal offense.

Correction Inserted 11/15/11: The Respondent was not convicted of a felony. The Respondent was convicted of misdemeanor violations of Wis. Stat. sec. 940.225(3m), 4th degree sexual assault.

7. On April 21, 1994, the court withheld sentence and Respondent was ordered to five years of probation. Terms of probation included: six months jail incarceration with work release; AODA assessment and successful completion of recommended treatment; psychological evaluation with special focus on sex offense issues and successful completion of a recommended program; no contact with the victim; and, to undergo any counseling and/or treatment the Department of Corrections might impose.

8. Although the conduct which resulted in Respondent's conviction did not take place while Respondent was functioning as a real estate broker, the conviction of second degree sexual assault is conviction of a crime, the circumstances of which substantially relate to the practice of a real estate broker.

Inserted 11/15/11: See Correction Above

9. Respondent has complied with all terms of his probation and the probation is scheduled to end on April 23, 1999.

10. The Division of Enforcement requested that Respondent be psychologically evaluated by a psychologist approved by the Division, in order to assist in arriving at an appropriate resolution of this matter. Respondent agreed to the evaluation and it was performed by Dr. Sionag Black, a Beaver Dam, Wisconsin psychologist, who prepared a written report setting out the results of the evaluation.

11. Dr. Black rendered her opinion, that Respondent does not present a danger to the public in the area of sexuality and that no psychotherapy was required to assure protection of the public.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to § 452.14, Stats.

2. The Wisconsin Real Estate Board is authorized to enter into this stipulated resolution pursuant to § 227.44(5), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that before Respondent may renew his real estate broker license Respondent shall appear before the Board and provide proof sufficient to the Board that Respondent is able to practice as a real estate broker with reasonable safety to the public. The Board shall not unreasonably withhold permission to renew.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 25th day of March, 1999.

James Imhoff, Jr.
Chairperson
Real Estate Board